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USSN 09/705,985

Docket No. 2874-US-CNT

Remarks/Arguments

I. Status of Claims

Claims 1-5, 9, 11, 13, 15-18, 20, 21, 25 and 26 are currently pending, with claims 1-4, 17 and 21 withdrawn as directed to a non-elected invention. Upon entry of this paper, claims 1-4, 17 and 21 are canceled without prejudice or disclaimer. Applicant retains the right to pursue the canceled claims in another continuing application. These claims are canceled solely because they are directed to non-elected subject matter and are not canceled for reasons related to patentability. Also upon entry of this paper, claims 5, 13 and 15 are amended.

II. Rejection of Claims under 35 U.S.C. 112, first paragraph

The pending claims are rejected under 35 U.S.C. 112, first paragraph as allegedly lacking sufficient written description and introducing new subject matter.

The Office Action first states that the claims lack adequate written description because the stringency conditions allegedly recited in the claims encompass variants with low levels of sequence identity that are not sufficiently described in the specification. The reason for this particular rejection is unclear because none of the pending claims include any mention of stringency conditions. It is thus submitted that this basis for the rejection is inapplicable to the pending claims.

The Office Action next states that the claims lack adequate written description because the specification allegedly does not sufficiently describe RANK polypeptides with 90% sequence identity to SEQ ID NO:2. Furthermore, there is allegedly no basis for claiming RANK fragments that have 90% sequence identity to amino acids 33-213 of SEQ ID NO:2. Claims with this language are thus alleged to contain new matter. Although Applicant disagrees with these assertions, the claims have been amended to delete the sequence identity language. Accordingly, this ground for rejection is rendered moot.

For the foregoing reasons, Applicant thus submits that the foregoing rejections should be withdrawn.

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CONCLUSIONS

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 206-265-7858.

Respectfully submitted,



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